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10. (Amended) The electrophoretic display of Claim 1 wherein the top surface of said cell walls is about 0.02μ to about 15μ above the top surface of the electrophoretic fluid.

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18. (Amended) An electrophoretic display which comprises:

- two electrode plates;
- an array of cells having side walls that are sandwiched between the two electrode plates, each of said cells is filled with an electrophoretic fluid comprising charged particles dispersed in a dielectric solvent or solvent mixture and individually sealed with a polymeric sealing layer and part of said sealing layer is in contact with the side walls of said cells and the top surface of the cell walls is at least 0.01μ above the top surface of the electrophoretic fluid.

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24. (Amended) The electrophoretic display of Claim 18 wherein the top surface of said cell walls is about 0.02μ to about 15μ above the top surface of the electrophoretic fluid.

REMARKS

In the Office Action, the Examiner provisionally rejected Claims 1, 2, 4, 6, 18, 19, 20, 32, 34, 35 and 36 for obviousness-type double patenting; Claims 1-6, 18 and 32 under 35 U.S.C. 102(e) as being anticipated by Comiskey et al. (U.S. 6,327,072B2); Claims 6-8 under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al.; Claims 12-17, 26-31 under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al.; and Claims 33-36 under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al.

Applicants note with appreciation the allowance of Claims 9-11 and 23-25.

In the interest of expediting allowance of this application, Applicants have now amended Claims 1, 10, 18 and 24 and cancelled Claims 2, 3, 9 and 23.

Claims 1, 10, 18 and 24 are amended and Claims 2, 3, 9 and 23 are cancelled without prejudice to future prosecution of the original claims or the original claims in an amended form.